

BOARD OF APPEALS CASE NO. 019

\*

BEFORE THE

APPLICANT: Harford County/Abingdon  
Fire Company

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ZONING HEARING EXAMINER

REQUEST: Rezone 4.4 acres from R2 to  
B2; northside of Abingdon Road,  
approximately 500 feet east of Route 7.

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OF HARFORD COUNTY

HEARING DATE: February 24, 1986

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Hearing Advertised

Aegis: 1/23/86 & 1/30/86

Record: 1/22/86 & 1/29/86

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### ZONING HEARING EXAMINER'S DECISION

The Applicant, Harford County, Maryland, has filed a petition for zoning reclassification for the property located on the north side of Abingdon Road, approximately 500 feet east of Route 7. On behalf of the County, the Department of Planning and Zoning requests that the property be zoned from R2 to B2. The petition is based upon mistake made during the 1982 zoning process.

The hearing was held on February 24, 1986. No protestants appeared at the hearing.

Section 3.3 of the Staff Report of the Department of Planning and Zoning describes the mistake as follows:

"During the Comprehensive Zoning, the entire site was zoned R2. Since the use was existing and any proposed expansion to provide additional fire protection facilities would be permitted in the R2 district, it was determined that a commercial designation was not necessary on this parcel.

The Department failed to recognize the creation of a non-conforming use on this property. Therefore, pursuant to Section 25-3.6(a)(c):

- a. Harford County did not take notice, during the Comprehensive Rezoning, of the existence of a legal use on the property prior to recommending a zoning classification which would limit the existing use or uses on the property. In such event, the Board of Appeals may grant a reclassification of the property so as to restore the property to a zoning reclassification most consistent with the use or uses prior to the Comprehensive Rezoning change.

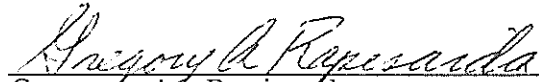
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- c. Harford County failed to notify the property owner where a use by legally in existence, or a permitted use, on the property was limited as a result of the Comprehensive Rezoning. In such event, the Board of Appeals may grant a reclassification of the property so as to restore the property to a zoning classification most consistent with the prior legal use or a prior permitted use."

The Department of Planning and Zoning is requesting a reclassification from R2 to B2."

Accordingly, the Hearing Examiner recommends that the petition for zoning reclassification be granted, and that the property situate on the north side of Abingdon Road, approximately 500 feet east of Route 7, be zoned B2.

Date March 19, 1986

  
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Gregory A. Rapisarda  
Zoning Hearing Examiner